

Dairy Nutrient Management Task Force
November 21, 2000

Minutes approved at the December 20, 2000 meeting of the Dairy Nutrient Management Task Force held in North Bend, Washington

The Dairy Nutrient Management Task Force met in Meeting Rooms B of the Cherberg Office Building in Olympia, Washington, on November 21, 2000. Senator Bob Morton called the meeting to order at 10:10 a.m. Attendees introduced themselves.

Those present for all or part of the meeting included:

Members:

Senator Bob Morton, Chair
Representative Bruce Chandler
Representative Kelli Linville
Josh Baldi, WEC
Clifford Bates, Benton-Franklin Health District
Tom Eaton, EPA
Ian Jefferds, Penn Cove Shellfish
Steve Meyer, Conservation Commission
Roger Short, Dairy Industry Representative

Alternates:

Fred Colvin, Thurston Conservation District
Phil KauzLoric, Ecology

Participants:

Debbie Becker, WA State Dairy Federation
Jay Gordon, WA State Dairy Federation
Joe Harrison, WSU/CES
Valerie Oksendahl, NRCS

Staff:

Vicki Flynn, Conservation Commission
David Johnson, Counsel, Senate Ag & Resources
Bob Lee, Senate
Tom Salzer, Conservation Commission

Other:

John Jaksch, Pacific Northwest Laboratories
Lynn Franklin, Pacific Northwest Laboratories (Battelle)
Dean Renner, NRCS
Bob Stevens, WSU/Prosser

Dairy Nutrient Management Task Force
November 21, 2000
Minutes

Action items from the October 17, 2000 Task Force meeting were discussed:

- 1) Minutes would be considered for approval when a quorum was present.
- 2) The Task Force co-chairs sent a letter to NRCS State Conservationist Leonard Jordan inviting Valerie Oksendahl to give a presentation on the Phosphorous Index to the Task Force.
- 3) In response to Senator Morton, Phil KauzLoric said that Ecology issues its penalty and enforcement information quarterly in January, April, July, and October. Senator Morton asked that Ecology prepare a report before the end of the quarter ending December 2000, so the Task Force would have the information available for its report to the Legislature.
- 4) Steve Meyer said that the budget submittal deadlines for state agencies were September 5 and September 12, and the Conservation Commission could not submit a request for increased funding to the Office of Financial Management as requested at the October 17, 2000 Task Force meeting.

It was noted the Commission's Grants Policy Advisory Committee had met and would be submitting recommendations pertaining to the Dairy Nutrient Management grants program to the Commission at its November 29 meeting. Salzer briefly described two recommendations: (1) to increase the dollar limit per dairy operation; and (2) to increase the cost-share rate to 75%.

Senator Morton said that needed funding is critical and asked that the Commission meet with appropriate staff to follow up on the Governor's Budget. Meyer said the Commission would work with the Washington Association of Conservation Districts (WACD). Chris Cheney has been in contact with WACD's President and Executive Director on this issue.

- 5) Tom Salzer presented a rough outline for the Task Force's final report to the legislature. He said the outline was submitted as a concept in style only for the purpose of discussion by the Task Force. Salzer added that the outline concepts had not been reviewed by Ecology. The proposed outline included background, findings, and recommendations for each action item. Salzer asked the group for guidance as to what would be appropriate for a meeting in December to edit and finalize the report. Senator Morton noted he would like Ecology's quarterly report prepared in time for inclusion in the Task Force's report to the Legislature. Senator Morton asked the Task Force how they would like to proceed

Fred Colvin asked if there were other key terms or phrases that needed clarification. Salzer said that the example of "potential to pollute" has been a consistent topic at all Task Force meetings.

Phil KauzLoric noted that RCW 90.64 requires the Department of Ecology to report on their inspection program annually to the Legislature. He asked if there should be both Ecology's

Dairy Nutrient Management Task Force
November 21, 2000
Minutes

report and the Task Force's report or perhaps Ecology's required annual report could be folded into the Task Force report. KauzLoric said the two reports could be combined and a draft available at the December Task Force meeting.

Salzer asked David Johnson if the term "findings" was an appropriate term for the report. Johnson said that findings are something the entire body has agreed on. Depending on the group's comfort level, it was suggested that a less conclusive word could be used.

Representative Linville said she wanted assurance that an opportunity would be available to discuss findings and make a group recommendation. In response to Representative Linville's concerns, Johnson noted that the decision model adopted by the Task Force at its July 11, 2000 meeting, provided for both majority and minority positions to be stated in reports issued by the Task Force.

Steve Meyer suggested a statement of the issue, discussion of the issue (including pros and cons) and the Task Force's recommendation on how to solve the issue. This method would capture both sides of an issue and get away from a hard finding. KauzLoric concurred with Meyer's recommendation.

Group consensus was the Dairy Task Force report to the Legislature would include:

- Executive Summary (*Eight items in RCW 90.64.811(1) requiring Task Force action by December 31, 2000*)
- Background (*Brief history of Dairy Nutrient Management Act, Task Force composition, and summary of meetings and other Task Force activities*)
- For each action item:
 - Statement of the issue.
 - Discussion of the issue (both pro and con)
 - Task Force Recommendation

Representative Linville wanted to ensure a minority report would be included in the recommendation if a vote is taken

Salzer asked if the Task Force wanted to respond to Section 4 of the legislation that was vetoed pertaining to a recommended source of funding. Colvin said it should be included.

Salzer provided summary information on the number of dairies with CD-approved Dairy Nutrient Management Plans (DNMPs), CD-certified DNMPs, and producer-certified DNMPs. The information showed the change from November 1999 to November 2000 and also a comparison from October 2000 to November 2000.

Salzer shared a written report on an Animal Residuals Conference sponsored by the Water Environment Federation that he attended in Kansas City in November. He was on the program and presented an overview of the Dairy Nutrient Management Act and how it was working in Washington State. He noted that Maryland and Delaware have mandatory nutrient management planning programs. He suggested these might be examples to look at in the future for continuity and consistency.

Representative Linville requested that approval of minutes be deferred until following the lunch break.

Presentation by Battelle's Pacific Northwest Research Laboratory

John Jaksch & Lynn Franklin

The InStream™ technology has potential for use on dairy lagoons. A pilot project will be conducted at George DeRuyter's dairy at Outlook, Washington in the Yakima Valley. The estimated cost for the device is \$18,000 per year based on a five-year lease. It is designed to last five years and requires annual maintenance.

Senator Morton said if anyone was interested in contacting DeRuyter, they could call Bob Lee and he would provide information on how to reach DeRuyter. Colvin suggested that the Task Force keep in mind that it should be considering alternative practices. Meyer said he would check to see if Conservation Commission cost share policy provides for cost sharing for research such as this.

Following lunch, the Task Force discussed approval of the September and October minutes. The Task Force asked that counsel review some of the phraseology, and discussed postponement of approval of the minutes until the December Task Force meeting.

Representative Linville also asked for additional clarification on the question of whether or not a privately developed plan certified by conservation district becomes a publicly disclosable record.

Representative Linville moved that approval of the September and October minutes be postponed until the Task Force's December meeting to allow time for Tom Salzer and David Johnson to provide clarification of questions that were raised. Seconded by Tom Eaton. Motion passed.

NRCS:

Dean Renner, a professional engineer for the Natural Resources Conservation Service in Olympia, provided an update on the process of evaluation of older structures. He said a performance-based process developed for evaluation addresses three points (1) is it working, (2) is it functional, and (3) is it safe. A copy of "NRCS Guidance on Evaluation of Existing 'Dairy' and 'Animal Feeding Operation' Facility Structures" was provided.

Valerie Okensdahl of NRCS was present to respond to the list of questions from the last two Task Force meetings.

Concern has been expressed about the new national NRCS conservation practice standard that addresses phosphorous. A copy of Nutrient Management Code 590 was distributed. The standard is scheduled to be adopted in May 2001. Bob Stevens of WSU Prosser provided additional information on the phosphorous index and threshold value. He said there would be an index for western Washington and one for eastern Washington.

Dairy Nutrient Management Task Force
November 21, 2000
Minutes

Oakensdahl said they would like to have a member of the DNMTF on the NRCS technical committee so that person can report back to the Task Force on what the NRCS Committee is doing. They would also like a producer member on the NRCS Committee.

She said NRCS will work at the local level with a producer, looking at management practices and other factors to make it consistent not only for dairy producers but for anyone else that has to have a plan. She said that in reviewing plans around the state, she has noticed that a lot of recommendations for plans have been based on estimates. Staff should be going back to ensure the producer is managing according to his plan. A producer should be reviewing his nutrient plan every year. "Management" in the name of the standard means an annual review.

KauzLoric asked how the standard would apply to 303(d) list versus other water bodies in the State. He noted that data available to Ecology to assess water bodies is limited, and information is availability on only 10% or 15% of water bodies in the State.

In response to a request by Senator Morton and Representative Linville, KauzLoric said he would get them a copy of the 305(b) report. He also offered to add the 303(d) report.

Oakensdahl said she believes the main concern is still nitrogen. Eaton noted that buffer widths are taken into consideration and want to know if the type of plants would also be taken into consideration. Oakensdahl said they could be considered.

The next meeting of the NRCS Technical Committee will be January 22, 2001.

It was decided that the next meeting of the DNMTF will be Wednesday, December 20 in North Bend. If a facility cannot be found in North Bend, the meeting will be held in Olympia.

Following discussion of possible schedule conflicts, consensus was that a proxy could participate. Senator Morton asked that those unable to attend, send a letter with their proxy.

Meyer said others would be asked to assist Salzer with writing the recommendations for the Task Force's report

Meeting adjourned 3:08 p.m.

Respectfully,

Vicki Flynn
Recording Secretary